

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

PEDRO GUZMAN,
a/k/a "Franklyn," and
CARLOS HENRIQUEZ,

Defendants.

INDICTMENT

S12 06 Cr. 1014 (AKH)

USDC SDNY
DOCUMENT
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COUNT ONE

The Grand Jury charges:

1. From in or about 2001 through on or about August 15, 2005, in the Southern District of New York and elsewhere, PEDRO GUZMAN, a/k/a "Franklyn," and CARLOS HENRIQUEZ, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of this conspiracy that PEDRO GUZMAN, a/k/a "Franklyn," and CARLOS HENRIQUEZ, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21 of the United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about the Summer of 2005, in the Bronx, New York, PEDRO GUZMAN, a/k/a "Franklyn," the defendant, delivered kilogram quantities of heroin to customers.

b. In or about July 2005, in 31-66 Fenton Avenue, Bronx, New York, CARLOS HENRIQUEZ, the defendant, stamped hundreds of bags containing heroin with brand names and possessed kilogram quantities of heroin.

(Title 21, United States
Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about August 2005, in the Southern District of New York, PEDRO GUZMAN, a/k/a "Franklyn," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with the intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1), and 841(b)(1)(A); and Title 18,
United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. In or about August 2005, in the Southern District of New York, CARLOS HENRIQUEZ, the defendant, unlawfully, intentionally, and knowingly did distribute and possess with the intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); and Title 18, United States Code, Section 2.)

COUNT FOUR

The Grand Jury further charges:

6. From in or about February 2005 through in or about August 2005, in the Southern District of New York, PEDRO GUZMAN, a/k/a "Franklyn," the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics offenses charged in Counts One and Two of this Indictment, did use and carry a firearm, and in furtherance of such crimes, did possess a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT FIVE

The Grand Jury further charges:

7. In or about August 2005, in the Southern District of New York, CARLOS HENRIQUEZ, the defendant, the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics offenses charged in Counts One and Three of this Indictment, did use and carry a firearm, and in furtherance of such crimes, did possess a firearm.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i) and 2.)

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Indictment, PEDRO GUZMAN, a/k/a "Franklyn," and CARLOS HENRIQUEZ, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the narcotics violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Counts One through Three of this Indictment, including but not limited to the following:

a. Money Judgment

A sum of money equal to approximately \$322,610 in United States currency, representing a part of the proceeds obtained as a result of the offenses alleged in Counts One through Three of the Indictment.

b. Conveyance

One 1997 Range Roger, New Jersey License Plate Number RFX82U, and Vehicle Identification Number SALPV1448VA372392, which was seized at 31-66 Fenton Avenue, Bronx, New York.


Substitute Asset Provision

9. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841(a)(1), 846, and 853.)


FOREPERSON
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Sections 812, 841, and 846; &
Title 18, United States Code,
Sections 924(c) and 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

10/11/07
1st Deputy 1.2 Ind
Mr. Judge Polya